

107TH CONGRESS
1ST SESSION

S. 1046

AN ACT

To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds that as the Nation approaches May
3 17, 2004, marking the 50th anniversary of the Supreme
4 Court decision in *Oliver L. Brown et al. v. Board of Edu-*
5 *cation of Topeka, Kansas et al.*, it is appropriate to estab-
6 lish a national commission to plan and coordinate the com-
7 memoration of that anniversary.

8 **SEC. 2. ESTABLISHMENT.**

9 There is established a commission to be known as the
10 “Brown v. Board of Education 50th Anniversary Commis-
11 sion” (referred to in this Act as the “Commission”).

12 **SEC. 3. DUTIES.**

13 In order to commemorate the 50th anniversary of the
14 Brown decision, the Commission shall—

15 (1) in conjunction with the Department of Edu-
16 cation, plan and coordinate public education activi-
17 ties and initiatives, including public lectures, writing
18 contests, and public awareness campaigns, through
19 the Department of Education’s ten regional offices;

20 (2) in cooperation with the Brown Foundation
21 for Educational Equity, Excellence, and Research in
22 Topeka, Kansas, (referred to in this Act as the
23 “Brown Foundation”) and such other public or pri-
24 vate entities as the Commission considers appro-
25 priate, encourage, plan, develop, and coordinate ob-

1 servances of the anniversary of the Brown decision;
2 and

3 (3) submit recommendations to the Congress
4 relating to a joint session of Congress for the pur-
5 pose of commemorating the anniversary.

6 **SEC. 4. MEMBERSHIP.**

7 (a) NUMBER AND APPOINTMENT.—The Commission
8 shall be composed as follows:

9 (1) Two representatives of the Department of
10 Education appointed by the Secretary of Education,
11 one of whom shall serve as one of two Co-chair-
12 persons of the Commission.

13 (2) Two representatives of the Department of
14 Justice appointed by the Attorney General, one of
15 whom shall serve as one of two Co-chairpersons of
16 the Commission.

17 (3) Eleven individuals appointed by the Presi-
18 dent after receiving recommendations as follows:

19 (A)(i) The Members of the Senate from
20 each State described in clause (iii) shall each
21 submit the name of 1 individual from the State
22 to the majority leader and minority leader of
23 the Senate.

24 (ii) After review of the submissions made
25 under clause (i), the majority leader of the Sen-

1 ate, in consultation with the minority leader of
2 the Senate, shall recommend to the President 5
3 individuals, 1 from each of the States described
4 in clause (iii).

5 (iii) The States described in this clause are
6 the States in which the lawsuits decided by the
7 Brown decision were originally filed (Delaware,
8 Kansas, South Carolina, and Virginia), and the
9 State of the first legal challenge involved (Mas-
10 sachusetts).

11 (B)(i) The Members of the House of Rep-
12 resentatives from each State described in sub-
13 paragraph (A)(iii) shall each submit the name
14 of 1 individual from the State to the Speaker
15 of the House of Representatives and the minor-
16 ity leader of the House of Representatives.

17 (ii) After review of the submissions made
18 under clause (i), the Speaker of the House of
19 Representatives, in consultation with the minor-
20 ity leader of the House of Representatives, shall
21 recommend to the President 5 individuals, 1
22 from each of the States described in subpara-
23 graph (A)(iii).

24 (C) The Delegate to the House of Rep-
25 resentatives from the District of Columbia shall

1 recommend to the President one individual
2 from the District of Columbia.

3 (4) Two representatives of the judicial branch
4 of the Federal Government appointed by the Chief
5 Justice of the United States Supreme Court.

6 (5) Two representatives of the Brown Founda-
7 tion.

8 (6) Two representatives of the NAACP Legal
9 Defense and Education Fund.

10 (7) One representative of the Brown v. Board
11 of Education National Historic Site.

12 (b) TERMS.—Members of the Commission shall be
13 appointed for the life of the Commission.

14 (c) VACANCIES.—A vacancy in the Commission shall
15 be filled in the same manner as the original appointment.

16 (d) COMPENSATION.—

17 (1) IN GENERAL.— Members of the Commis-
18 sion shall serve without pay.

19 (2) TRAVEL EXPENSES.—Each member shall
20 receive travel expenses, including per diem in lieu of
21 subsistence, in accordance with applicable provisions
22 under subchapter I of chapter 57 of title 5, United
23 States Code.

24 (e) QUORUM.—A majority of members of the Com-
25 mission shall constitute a quorum.

1 (f) MEETINGS.—The Commission shall hold its first
 2 meeting not later than 6 months after the date of enact-
 3 ment of this Act. The Commission shall subsequently meet
 4 at the call of a Co-chairperson or a majority of its mem-
 5 bers.

6 (g) EXECUTIVE DIRECTOR AND STAFF.— The Com-
 7 mission may secure the services of an executive director
 8 and staff personnel as it considers appropriate.

9 **SEC. 5. POWERS.**

10 (a) POWERS OF MEMBERS AND AGENTS.—Any mem-
 11 ber or agent of the Commission may, if so authorized by
 12 the Commission, take any action which the Commission
 13 is authorized to take under this Act.

14 (b) GIFTS AND DONATIONS.—

15 (1) AUTHORITY TO ACCEPT.—The Commission
 16 may accept and use gifts or donations of money,
 17 property, or personal services.

18 (2) DISPOSITION OF PROPERTY.—Any books,
 19 manuscripts, miscellaneous printed matter, memora-
 20 bilia, relics, or other materials donated to the Com-
 21 mission which relate to the Brown decision, shall,
 22 upon termination of the Commission—

23 (A) be deposited for preservation in the
 24 Brown Foundation Collection at the Spencer

1 Research Library at the University of Kansas
2 in Lawrence, Kansas; or

3 (B) be disposed of by the Commission in
4 consultation with the Librarian of Congress,
5 and with the express consent of the Brown
6 Foundation and the Brown v. Board of Edu-
7 cation National Historic Site.

8 (c) **MAILS.**—The Commission may use the United
9 States mails in the same manner and under the same con-
10 ditions as other departments and agencies of the United
11 States.

12 **SEC. 6. REPORTS.**

13 (a) **INTERIM REPORTS.**—The Commission shall
14 transmit interim reports to the President and Congress
15 not later than December 31 of each year. Each such re-
16 port shall include a description of the activities of the
17 Commission during the year covered by the report, an ac-
18 counting of any funds received or expended by the Com-
19 mission during such year, and recommendations for any
20 legislation or administrative action which the Commission
21 considers appropriate.

22 (b) **FINAL REPORT.**—The Commission shall transmit
23 a final report to the President and Congress not later than
24 December 31, 2004. Such report shall include an account-

1 ing of any funds received or expended, and the disposition
 2 of any other properties, not previously reported.

3 **SEC. 7. TERMINATION.**

4 (a) DATE.—The Commission shall terminate on such
 5 date as the Commission may determine, but not later than
 6 February 1, 2005.

7 (b) DISPOSITION OF FUNDS.—Any funds held by the
 8 Commission on the date the Commission terminates shall
 9 be deposited in the general fund of the Treasury.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated at total of
 12 \$300,000 for fiscal years 2003 and 2004 to carry out this
 13 Act, to remain available until expended.

Passed the Senate August 3, 2001.

Attest:

Secretary.

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